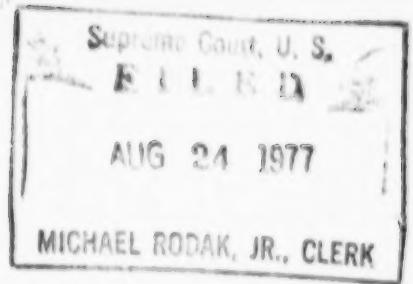


77-306



IN THE
SUPREME COURT OF THE UNITED STATES

WILLIAM R. HALL,)	Review of the
)	Appellate Court
Peitioner-Defendant,)	of Illinois, Fourth
)	District
vs.)	
)	No. 77-25
PEOPLE OF THE)	
STATE OF ILLINOIS,)	
)	
Respondent-Plaintiff.)	

PETITION FOR WRIT OF CERTIORARI

Respectfully submitted by:

RONALD L. CARPEL
Attorney at Law
129 South Water Street
P. O. Box 309
Decatur, Illinois 62523
Attorney for Petitioner-
Defendant

JURISDICTIONAL STATEMENT

By this Petition, Petitioner seeks review of a decision by the Illinois Appellate Court, Fourth District, filed on the 3rd day of February, 1977, (attached hereto) affirming the judgment of conviction of the Circuit Court of Macon County entered on December 17, 1975. Because the Supreme Court of Illinois denied Petitioner's Request for Leave to Appeal to that Court on May 26, 1977 (attached hereto), the United States Supreme Court has jurisdiction to review by Writ of Certiorari according to Title 28 Section 1257 (3) of the United States Code which Section permits review of final judgments entered in State Court by the highest Court in which the decision could be had "where any title, right, privilege or immunity is specially set up or claimed under the Constitution."

QUESTIONS PRESENTED FOR REVIEW

1. Whether the use of a fictitious name upon a Complaint for Search Warrant renders a Search Warrant void as violative of the Fourth and Fourteenth Amendment to the United States Constitution.

2. Whether the Complaint for Search Warrant in the instant case failed to establish probable cause and rendered the Search Warrant issued therefrom void in violation of the Fourth and Fourteenth Amendments to the United States Constitution.

CONSTITUTIONAL PROVISIONS INVOLVED

U.S.C.A. Const. Amend. 4, The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing

the place to be searched, and the persons or things to be seized.

U.S.C.A. Const. Amend. 14 Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

STATEMENT OF FACTS

On October 27, 1975, a Complaint for Search Warrant was executed by an unknown person namely, "John Doe", which contained two different "Counts" therein for two separate residences located at 731 West Wood Street in Decatur, Illinois, and 729 West Wood Street in Decatur, Illinois (R5).

The first "Count", involving 731 West Wood Street, and the alleged occupant thereof, Mark Erbes, reads as follows:

"I, John Doe, state that within the past seven (7) days I have been inside the apartment located at 731 West Wood Street, Decatur, Macon County, Illinois, on two different occasions and on each occasion I did observe a substance in the premises described to me by Mark Erbes, occupant of said premises, as being cannabis, commonly known as marijuana. Also within the past Seven (7) days while inside these premises, occupied by Mark Erbes, I have observed Mark Erbes sell a quantity of this substance to a third unknown person. Your complainant states that he has seen and smoked cannabis in

the past and the substance that Mark Erbes possesses in his apartment and the substance he sold in your complainant's presence does appear to be cannabis".

The second "Count", involving 729 West Wood Street, and the alleged occupant thereof, David Weller, reads as follows:

"Your complainant, John Doe, states that within the past Seven (7) days he has been inside the apartment located at 729 West Wood Street, Decatur, Macon County, Illinois, on two different occasions and on each occasion he did observe a substance in the premises described to him by David Weller, occupant of said premises, as being cannabis, commonly known as marijuana. This substance also appeared to your complainant as cannabis. Based on the foregoing, your complainant believes that the above named substance will be found in the above described premises."

From the second aforesaid "Count", Associate Circuit Judge, Jerry L. Patton, issued a Warrant on October 27, 1975, to search the premises of 729 West Wood Street in Decatur, Illinois, and the person of David Weller, directing

as things to be seized: "An unknown quantity of Cannabis, Sativa L., commonly known as marijuana" (R5).

The search was executed on October 28, 1975, and the proceeds thereof listed on an inventory, showing, inter alia, a quantity of cannabis and seven red capsules were seized. (R9)

Mark Erbes, Robert Schollenbruch and the Defendant were taken into custody, charged with "Unlawful Possession of Cannabis" in violation of Chapter 56 1/2, Section 704 (d), ILL. REV. STAT. 1973 (R10), and later, "Unlawful Possession of a Controlled Substance", in violation of Chapter 56 1/2, Section 1402(b), ILL. REV. STAT. 1973, in that they had in their possession a quantity of a controlled substance, to wit: Ethchlorvynol. (R27).

The charges against Mark Erbes and Robert Schollenbruch were dismissed at a Pre-

liminary Hearing, in that the People failed to sustain their burden of proof (R2), after which Defendant was separately charged with "Unlawful Possession of Cannabis" (R10), and "Unlawful Possession of a Controlled Substance" (R29) on November 21, 1975.

Defendant's counsel filed several Motions:

1. Motion for Disclosure, wherein Defendant requested that the Plaintiff inform him of the actual person signing the above described search warrant.

2. Motion to Dismiss, wherein Defendant claimed he was entitled to a dismissal based on the Plaintiff's failure to comply with the above Motion for Disclosure.

3. Motion to Suppress wherein Defendant claimed the above search warrant was not based upon a Complaint setting probable cause and that the search and seizure carried out by the Decatur Police was outside the scope of said search warrant.

4. Supplement to Motion to Suppress wherein Defendant claimed said search warrant was based upon various information as to the person to be served and his residence in that certain search warrant indicating that David Weller resided at 729 West Wood Street, Decatur, Illinois, but that the City of Decatur Police De-

partment was aware that said David Weller's residence was 47 Oak Ridge Drive, Decatur, on the date in question.

5. Additional Supplement to Motion to Suppress wherein Defendant contended the above search warrant was defective in that the person executing the Complaint upon which said search warrant was based used a fictitious name in violation of the Fourth and Fourteenth Amendments of the United States Constitution.

The above Motions were heard by the Court and denied on December 2, 1975 as per the written Order attached hereto.

The People of the State of Illinois and the Defendant entered into a Stipulation of Facts wherein it was conceded, inter alia, that three bags of marijuana, three pipes and seven red capsules were seized in the apartment at 729 West Wood Street pursuant to a search warrant on October 28, 1975, but the Defendant maintained his objection thereto and entered his plea of "not guilty". A finding and judgment of guilty as to both charges was entered on December 16, 1975,

by Judge Rodney A. Scott.

On the 31st day of December, 1975, Defendant filed Post-Trial Motions requesting a new trial based upon the Court's erroneous rulings upon the Motions presented. Such Motions were denied on January 8, 1976. On January 8, 1976, Defendant's application for probation was also denied and he was sentenced to a two to ten year term in the Illinois State Penitentiary.

Defendant's counsel filed a Notice of Appeal on January 8, 1976. Upon appeal, the Defendant sought a reversal based upon the following issues:

The trial Court erroneously denied Defendant's Motions to Suppress by finding it had no jurisdiction to review the question of probable cause as to facts set forth on the face of the Complaint for search warrant.

The Complaint requesting a search warrant for the premises of 729 West Wood Street in Decatur, Illinois, did not establish probable cause.

The seizure of a "Controlled Substance" although contraband, was inadmissible as evidence, in that the said "Controlled Substance" was not described in the warrant as one of the things to be seized.

The use of a fictitious name upon the Complaint for search warrant in the instant case rendered the Complaint void.

The trial Court committed reversible error and denied Defendant due process of law by refusing to disclose the identity of the "John Doe" informant in violation of the 14th Amendment to the United States Constitution.

During the pendency of the Defendant's appeal, he was released on an Appeal Bond set by the Circuit Court of Macon County. On the 3rd day of February, 1977, the Appeal Court affirmed the trial Court's judgment. (See copy of Opinion attached hereto)

On the 25th day of February, 1977, Defendant's attorney submitted to the Appellate Court an Affidavit of Intent to seek review by the Illinois Supreme Court. As a result of said

Affidavit, the mandate of the Appellate Court was stayed pending Appellant's Petition for Leave to Appeal to the Supreme Court, which Petition was filed on March 30, 1977. Within said Petition, the reasons set forth were the same as set forth by Defendant within Defendant's Appellate Brief. This Petition was denied on May 26, 1977. (See letter attached hereto) On June 3rd, Defendant filed a Petition in the Appellate Court to stay the mandate of that Court which Petition was allowed on June 9, 1977, pending Certiorari. (See letter attached hereto)

ARGUMENT

MERITS OF PETITIONER'S CLAIM

I

THE USE OF A FICTITIOUS NAME
UPON THE COMPLAINT FOR SEARCH WARRANT
IN THE INSTANT CASE RENDERED THE WARRANT
VOID.

By incorporating the Fourth Amendment, Mapp vs. Ohio (1963) 367 U.S., 6 L. Ed. 2d 1081, 81 S. Ct. 1684 and Ker vs. California (1963) 374 U.S. 23, 10 L. Ed. 2d 726, 83 S. Ct. 1623, the Fourteenth Amendment requires that "no warrants shall issue, but upon probable cause supported by Oath or affirmation." In Pugh vs. Pate 7 Cir., 401 F 2d 6 (1968), the Seventh Circuit of the United States Court of Appeals interpreted this requirement as precluding hiding the identity of the affiant or affirmant by use of a false name. The Court reasoned that the use of a false name would have

the same practical effect as the use of no name and would deprive the defendant of the benefit of the requirements of the Fourth Amendment which requirements "must be strictly adhered to" and which "guaranties are to be liberally construed to prevent impairment of the protection extended." In so holding, the court followed the reasoning set out in King v. US 4 Cir 282 F 2d 398 (1960). Although King v. US, supra, involved a Federal prosecution and the Federal Rules of Criminal Procedure, the court in Pugh vs. Pate, supra, specifically held that in a state prosecution:

"the fourth amendment itself, in requiring an oath or affirmation, precludes hiding the identity of the affiant or affirmant by use of a false name."

The petitioner has found no United States Supreme Court cases involving a fictitious affiant, but respectfully suggests that the Complaint for Search Warrant in the instant case was insuffi-

cient for the issuance of the Search Warrant for the reasons stated in Pugh vs. Pate, supra.

The defendant's situation was further complicated by the refusal to disclose the identity of this affiant, essential to any adequate review of the issuance of the search warrant. While the Supreme Court has held that disclosure of the identity of a person supplying information to the affiant is not always required, the affiant (most often a police officer) must testify fully and be subject to cross-examination regarding the reliability of such information and informant.

McCray v. Illinois, (1967) 386 U.S. 300, 18 L. Ed. 2d 62, 87 S. Ct. 1056. In the present case, not only was the affiant's name withheld, but he was, thereby, precluded from giving evidence essential to the defendant.

II

THE COMPLAINT REQUESTING A

SEARCH WARRANT FOR THE PREMISES OF
729 WEST WOOD STREET IN DECATUR,
ILLINOIS, DID NOT ESTABLISH PROBABLE
CAUSE.

In addition to the above, the Complaint for Search Warrant was defective because there was insufficient information upon which to conclude that the items sought would be found in the place to be searched. The second, unrelated "Count" merely alleged that "a substance" which the affiant believed to be marijuana, and was told was marijuana, was seen by affiant at 729 West Wood Street in Decatur, Illinois, on two different occasions within the past Seven (7) days. This "Affidavit":

(a) failed to allege a specific large quantity of the substance alleged to be marijuana, which might lead a reasonable person to believe some might remain on the premises after, or somewhere during a period of time described

as within "the last Seven (7) days", and

(b) failed to allege either sales or distribution of the said substance by Defendant or anyone else in the premises at 729 West Wood Street, in Decatur, Illinois, which might lead a reasonable person to believe some might remain on the premises after or somewhere during a period of time described as within "the last Seven (7) days";

While it is hornbook law that the evidence necessary to establish probable cause means less than that which would justify a conviction, the above described facts do not even demonstrate probable cause. Petitioner finds no United States Supreme Court cases similar to the facts present herein, but finds several State Supreme Court cases with similar facts.

The Indiana Supreme Court, in McCurry vs. State, 231 N.Ed. 2d 227, (1967), reversed a

conviction for narcotics possession, holding that the affidavit supporting the search warrant lacked probable cause. The affiant in McCurry, supra, alleged that he believed and had good cause to believe that marijuana was concealed in McCurry's residence and, that reliable information was received from an individual who had received such narcotics at the said address. The Court reviewed the issues of hearsay evidence and probable cause and held that the affidavit fell far short of meeting the standards laid out in cited cases therein and thus decided that while hearsay evidence may indeed be permitted to obtain a search warrant, there must be adequate showing of the credibility of the informant and the likelihood that contraband remained on the premises to be searched.

Further, in Ashley vs. State, 241 N.E. 2d 264 at 269 (1967), it was decided by the Indiana Supreme Court that possession of cannabis in a

certain residence on one date did not establish probable cause for the issuance of a search warrant several days later, and elaborated thereon by stating, at 269:

"Although there can be no precise rule as to how much time may intervene between the obtaining of the facts and the issuance of the search warrant, in dealing with a substance like marijuana, which can be easily concealed and moved about, probable cause to believe that it was in a certain building on the third of the month is not probable cause to believe that it will be in the same building eight days later."

Similarly, in People vs. Wright,³⁶⁷ Mich. 611, 116 N.W. 2d 786 (1962) the Michigan Supreme Court ruled that a Search Warrant was not issued on probable cause given the following facts: the affiant indicated that he had entered the defendant's club on February 18th and had observed gambling and the unlicensed sale of liquor on the premises. On this basis, a search

warrant for liquor and gambling paraphenalia was issued on February 24th. Another affidavit was also submitted in support of the warrant; it stated that a police officer had conducted a surveillance of the premises, but did not indicate the results of this surveillance. In so ruling, the Court explained as follows:

"Powell's affidavit related facts six days stale. The factual situation presented by that affidavit, without more, was too remote to justify the issuance of a search warrant."
Wright, P. 788

Although obviously of no binding authority, Petitioner submits these cases for consideration by the court and maintains that the Search Warrant issued in the present case was similar to the warrantsoverturned in these cases and not based upon probable cause.

NECESSITY FOR CERTIORARI

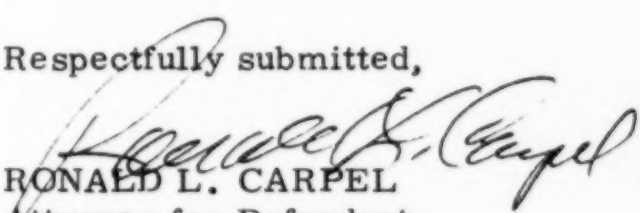
Contrary to the above reasoning, the Supreme Court of Illinois has interpreted the United States Constitution as not precluding hiding the identity of the affiant or affirmant. People v. Stansberry 1971, 47 ILL. 2d 541, 268 N.E. 2d 431, cert. denied, 404 U.S. 873, 92 S. Ct. 121, 130 L. Ed. 2d 116. This decision directly conflicts with the decisions of the United States Fourth and Seventh Circuit Courts of Appeal as set out above. These conflicting decisions have resulted in an inconsistent application of the United States Constitution. In so holding in People v. Stansberry, supra, the court explained, in this regard, that they were not bound by the court's decision in Pugh vs. Pate, supra, but would only be bound by a ruling by the United States Supreme Court.

In addition, the present facts warrant

consideration because of the importance of the matter involved. Petitioner recognizes that this court did deny certiorari in People v. Stansberry, supra, in 1971. However, since that time, by this Court's decision in Stone v. Powell, 96 S.C. 3037 (1976), this petitioner is precluded from obtaining a vindication of his rights by Writ of Habeas Corpus. Consequently, the defendant's ability to secure the rights guaranteed him by the United States Constitution rests upon review by this court.

WHEREFORE, Petitioner respectfully prays that this court grant petitioner's request for a Writ of Certiorari.

Respectfully submitted,


RONALD L. CARPEL
Attorney for Defendant-
Petitioner

RONALD L. CARPEL
Attorney for Defendant-Petitioner
P. O. Box 309
129 South Water Street
Decatur, Illinois 62523
422-8000 (217)

STATE OF ILLINOIS

APPELLATE COURT

AT AN APPELLATE COURT, for the Fourth
Judicial District of the State of Illinois, sitting
at Springfield:

PRESENT

HONORABLE HAROLD F. TRAPP, Presiding Judge

HONORABLE FREDERICK S. GREEN, Judge

HONORABLE JOHN T. REARDON, Judge

Attest: ROBERT L. CONN, Clerk

BE IT REMEMBERED, that to-wit: On the
3rd day of February, A.D., 1977, there was filed
in the office of the Clerk of the Court an opinion
of said Court, in words and figures following:

Exhibit "A"

STATE OF ILLINOIS

APPELLATE COURT

FOURTH DISTRICT

General No. 13643

Agenda No. 77-25

THE PEOPLE OF THE
STATE OF ILLINOIS,

Plaintiff-Appellee

v.

WILLIAM R. HALL,

Defendant-Appellant.

) Appeal from
) Circuit Court
) Macon County
) 75-CF-595

Mr. JUSTICE GREEN delivered the opinion of the
Court:

After a bench trial upon the stipulated facts
in the Circuit Court of Macon County, defendant
William R. Hall was convicted of the offenses
of unlawful possession of cannabis and unlawful
possession of a controlled substance. A sentence
of 2 to 10 years imprisonment was imposed on the
conviction involving a controlled substance and the
conviction for possession of cannabis was vacated.

Defendant appeals. We affirm.

On October 27, 1975, John Doe (a fictitious name) appeared before an associate judge in the Circuit Court of Macon County and signed and swore to a complaint for search warrant. On the basis of that complaint, two search warrants were issued directing police to search two Decatur apartments and seize an unknown quantity of cannabis. Pursuant to one on those warrants, Decatur City Police searched defendant's apartment and seized a quantity of marijuana and a plastic bag containing seven red capsules. The capsules were analyzed by the Illinois Bureau of Identification and identified as ethchlorvinyl, a controlled substance.

Defendant contends that the trial court erred in denying his motions (1) to suppress all evidence obtained as a result of the search and (2) to disclose the identity of the complainant for

the search warrant. The motions were heard at the same time and no evidence was presented upon either motion.

Defendant argues that at the hearing on the motion to suppress the seized evidence, the trial judge ruled that he could not countermand the determination made by the issuing Judge that the complaint showed probable cause. The report of proceedings upon that hearing makes clear that such was not the case. The trial judge heard arguments on the questions of the sufficiency of the complaint and concluded that probable cause was shown for the issuance of a warrant to search the premises where the contraband was seized.

We agree. The fictitious complainant stated that on two occasions in the past seven days, he had been in the apartment subsequently described in the search warrant and on each occasion observed a substance he believed to be marijuana. De-

fendant contends that because of the time lag between the complainant's observations and the presenting of the complaint, the complaint did not show probable cause to believe that the contraband was still in the apartment. He asks that we follow the decision in Ashley v. State (1967), 251 Ind. 359, 240 N.E. 2d 264, where an eight day delay between a complainant's observance of marijuana in a house and the issuance of a warrant to search the house was held to be too long. That court noted that marijuana was a substance that could easily be concealed or moved and would not be as likely to be kept in one place for as long a time as some other types of contraband. In People v. Montgomery (1963), 27 Ill.2d 404, 189 N.E. 2d 327, the Supreme Court ruled that probable cause was not negated by an eight day delay between the time a complainant purchased narcotics at an address and the issuance of a warrant to search those premises.

The opinion indicated that a much longer delay would not have prevented a finding of probable cause. In the instant case, although no sale took place, the marijuana was seen in the apartment on two occasions thus indicating more likelihood that the marijuana would continue to remain there for a substantial period. If, as would likely be the case, the complainant viewed the marijuana on separate days, the time lag would be less than seven days.

Defendant asks that we follow the decision in United States ex rel. Pugh v. Pate (1968), 401 F 2d 6, holding a warrant issued upon the basis of a complaint signed with a fictitious name to be invalid. He recognizes, however, that the courts of this state have not followed that ruling. (People v. Stansberry (1971), 47 Ill. 2d 541, 268 N.E. 2d 431, cert. denied, 404 U.S. 873, 92 S.Ct. 121, 30 L.Ed.2d 116; People v. Jackson (1976), 37 Ill.

App. 3d 279, 345 N.E.2d 509.) We follow the Illinois precedent.

Defendant maintains that the seizure of the bag containing the seven red capsules was improper because this item was not described in the warrant as an item to be seized. At the hearing on the motion to suppress, the court had before it the complaint for the search warrant, the warrant and the inventory of things seized. No evidence was offered by either side to supplement these items. Section 114-12 (b) of the Code of Criminal Procedure (Ill. Rev. Stat. 1975, ch.38, par. 114-12(b)) provides that the burden of proof on a motion to suppress evidence improperly seized rests upon the defendant. That provision, however, is interpreted in such a way as to be consistent with the holding in Vale v. Louisiana (1969), 399 U.S. 30, 90 S.Ct. 1969, 26 L.Ed.2d 409. (People v. Normant (1975), 25 Ill. App.3d

536, 323 N.E.2d 553.) In Vale an accused upon coming outside of a dwelling house was arrested pursuant to an arrest warrant. A warrantless search of the house was then made by the arresting officers. The opinion emphasized that a warrantless search of a dwelling was permitted only upon exceptional circumstances and then stated that the burden rested upon the State to prove such exceptional circumstances. Here the warrant authorized the search of the entire apartment. Where, under such circumstances officers discover items which appear to be contraband, the items may be seized. (People v. Philyaw (1975), 34 Ill. App.3d 616, 339 N.E. 2d 461.) The ruling in Vale does not place upon the State the burden of proving the propriety of the instant seizure.

The court properly denied the motion to suppress.

Defendant's theory that the court's refusal

to require disclosure of the name of the complainant was error is based upon an assumption that at the motion to suppress, he was entitled to introduce evidence that facts set forth in the complaint were inaccurate. Such is not the rule in this state. The determination as to whether probable cause existed for the issuance of the warrant must be based upon the allegations of the sworn complaint or affidavit incorporated therein. (People v. Bak (1970), 45 Ill.2d 140, 258 N.E.2d 34.) The complainant not having been shown to be a witness to the crimes charged, defendant was not entitled to disclosure (Jackson).

Finding no error to have occurred, we affirm.

AFFIRMED.

TRAPP, P.J. and REARDON, J. concur.

STATE OF ILLINOIS
OFFICE OF
CLERK OF THE SUPREME COURT
SPRINGFIELD

62706

CLELL L. WOODS
Clerk

Telephone
Area Code 217
782-2035

May 26, 1977

Mr. Ronald L. Cappel
Attorney at Law
129 S. Water Street
Decatur, Illinois 62523

No. 49409 - People State of Illinois, respondent,
vs. William R. Hall, petitioner.
Leave to appeal, Appellate Court,
Fourth District.

The Supreme Court today denied the petition
for leave to appeal in the above entitled cause.

Very truly yours,

/s/ Clell L. Woods
Clerk of the Supreme Court

Exhibit "B"

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL
CIRCUIT

MACON COUNTY, ILLINOIS

THE PEOPLE OF THE)
STATE OF ILLINOIS,)

Plaintiff,)

-vs-

No. 75-CF-595

WILLIAM HALL,)

Defendant.)

ORDER ON MOTIONS TO SUPPRESS

This cause coming on to be heard on the
2nd day of December, 1975 on Defendant Hall's
Motions heretofore filed and allotted for hearing
this date.

Defendant Hall's first motion is to suppress
or quash search warrant heretofore issued and
served. Defendant Hall states that he should be
given the name of the informant who testified be-
fore the judge issuing the warrant, but agrees that
said informant was not a participant in the search

Exhibit "C"

and seizure and would not be a witness in the
trial of this defendant. The Defendant Hall
further urges that this Court should overrule
the finding of the issuing judge that there was
probable cause for the issuance of the warrant.
The Court rejects the defendant's contention
and refuses to hear as though on appeal the
findings of the judge issuing the warrant.

The second motions is to suppress the
evidence siezed. It is without questions that the
evidence was seized pursuant to the warrant
and that the warrant covers the seizure as to
subject matter. Defendant presents no evidence
as to either motion and again attacks the suffi-
ciency of the proceeding on which the warrant
was issued.

With no evidence presented on either
motion the Court finds that there is no merit
in defendant's contentions and the motions are

denied.

Entered: December 2, 1975.

/s/ Rodney A. Scott
Judge

STATE OF ILLINOIS

APPELLATE COURT

FOURTH DISTRICT

SPRINGFIELD 62701

ROBERT L. CONN, Clerk
Telephone
Area Code 217
782-2586

June 9, 1977

Ronald L. Carpel
Attorney at Law
129 South Water Street
P. O. Box 209
Decatur, Illinois 62523

Patrick M. Walsh
State's Attorney
Macon County Building
Decatur, Illinois 62523

Re: People vs. Hall
General No. 13643

Gentlemen:

I have today entered an order of Judge James C. Craven in the above entitled cause, allowing the petition of the appellate for stay of mandate pending certiorari.

Very truly yours,

Exhibit "D"

/s/ Robert L. Conn

Clerk, Appellate Court
Fourth District

RLC:iv